

CHAPTER 241

H.B. No. 376

AN ACT

relating to the regulation of child-care providers by the Texas Workforce Commission and local workforce development boards.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 29.158(d), Education Code, is amended to read as follows:

(d) In coordinating child-care services under this section and in making any related decision to contract with another provider for child-care services, the agency, Texas Workforce Commission, local workforce development boards, and each prekindergarten program provider, Head Start and Early Head Start program provider, and provider of an after-school child-care program provided at a school shall consider the quality of the services involved in the proposed coordination or contracting decision and shall give preference to services of the highest quality. Any appropriate indicator of quality services may be considered under this subsection, including whether the provider of the services:

(1) meets ~~[the]~~ Texas Rising Star Program certification ~~[Provider]~~ criteria ~~[described by 40 T.A.C. Section 809.15(b)]~~;

(2) is accredited by a nationally recognized accrediting organization approved by the Texas Workforce Commission and the Department of Family and Protective ~~[and~~

1 ~~Regulatory~~] Services;

2 (3) meets standards developed by the State Center for  
3 Early Childhood Development; or

4 (4) has achieved any other measurable target relevant  
5 to improving the quality of child care in this state.

6 SECTION 2. Section 2155.202, Government Code, is amended to  
7 read as follows:

8 Sec. 2155.202. MENTAL HEALTH AND MENTAL RETARDATION  
9 COMMUNITY CENTERS; ASSISTANCE ORGANIZATIONS; CHILD-CARE  
10 PROVIDERS. The following entities may purchase goods and services  
11 through the comptroller:

12 (1) a community center for mental health and mental  
13 retardation services that receives state grants-in-aid under  
14 Subchapter B, Chapter 534, Health and Safety Code;

15 (2) an assistance organization as defined by Section  
16 2175.001 that receives state funds; and

17 (3) a child-care provider that meets [~~the~~] Texas  
18 Rising Star Program certification [~~Provider~~] criteria [~~described~~  
19 ~~by Texas Workforce Commission rules~~].

20 SECTION 3. Section 2308.315, Government Code, is amended to  
21 read as follows:

22 Sec. 2308.315. REIMBURSEMENT RATES FOR CHILD CARE. (a)  
23 Each board shall establish graduated reimbursement rates for child  
24 care based on the commission's Texas Rising Star Program [~~Texas~~  
25 ~~Workforce Commission's designated vendor program~~].

26 (b) The minimum reimbursement rate for a Texas Rising Star  
27 Program provider [~~designated vendors~~] must be [~~at least five~~

1 ~~percent~~] greater than the maximum rate established for a provider  
2 who is not a Texas Rising Star Program provider [~~nondesignated~~  
3 ~~vendors~~] for the same category of care. The reimbursement rate must  
4 be:

5 (1) at least five percent higher for a provider with a  
6 two-star rating;

7 (2) at least seven percent higher for a provider with a  
8 three-star rating; and

9 (3) at least nine percent higher for a provider with a  
10 four-star rating.

11 (c) The Texas Rising Star Program [~~designated vendor~~] rate  
12 differential established in this section shall be funded with  
13 federal child care development funds [~~dedicated to quality~~  
14 ~~improvement activities~~].

15 (d) Notwithstanding Subsection (b), a board may not  
16 reimburse a provider under the reimbursement rates provided by  
17 Subsection (b) before the date any revisions to rules recommended  
18 by the Texas Rising Star Program review work group under Section  
19 2308.321 are adopted by the commission.

20 SECTION 4. Subchapter G, Chapter 2308, Government Code, is  
21 amended by adding Section 2308.3155 to read as follows:

22 Sec. 2308.3155. TEXAS RISING STAR PROGRAM. (a) The Texas  
23 Rising Star Program is a voluntary, quality-based child care rating  
24 system of child care providers participating in the commission's  
25 subsidized child care program.

26 (b) The commission shall adopt rules to administer the Texas  
27 Rising Star Program, including guidelines for rating a child-care

1 provider who provides child care to a child younger than 13 years of  
2 age, including infants and toddlers, enrolled in the subsidized  
3 program.

4 (c) The commission shall make money available to each board  
5 to hire necessary employees to provide technical assistance under  
6 Section 2308.320 from the child care and development block grant.  
7 In addition, a board may use money available from other public or  
8 private sources to hire necessary employees for the program.

9 SECTION 5. Section 2308.316, Government Code, is amended to  
10 read as follows:

11 Sec. 2308.316. FUNDING OF COMPETITIVE PROCUREMENT PROCESS  
12 FOR INFANT AND EARLY CHILDHOOD CHILD CARE. Each board shall  
13 allocate a portion of the board's federal child care development  
14 funds dedicated to quality improvement activities to a competitive  
15 procurement process for a system for quality child care for  
16 children under four years of age that encourages child care  
17 providers to voluntarily meet the certification criteria of the  
18 commission's Texas Rising Star Program [~~Texas Workforce~~  
19 ~~Commission's designated vendor program or national accreditation~~].  
20 In allocating funds under this section, special consideration shall  
21 be given to funding child care for children under four years of age  
22 in low-income communities. This section may not be interpreted to  
23 limit parental choice.

24 SECTION 6. Section 2308.317, Government Code, is amended by  
25 amending Subsection (a) and adding Subsections (c) and (d) to read  
26 as follows:

27 (a) Notwithstanding any other law, the commission [~~Texas~~

1 ~~Workforce Commission~~] shall ensure that, to the extent federal  
2 child care development funds dedicated to quality improvement  
3 activities are used to improve quality and availability of child  
4 care, those funds are used [~~only~~] for:

5       (1) quality child care programs, including programs:  
6             (A) whose director receives mentoring; or  
7             (B) that are in the process of obtaining a Texas  
8 Rising Star Program rating;

9       (2) technical assistance for providers as described by  
10 Section 2308.320;

11       (3) professional development for child care  
12 providers, directors, and employees;

13       (4) educational materials for children served by child  
14 care providers; and

15       (5) educational information for parents important for  
16 the development of a child under five years of age.

17       (c) Each board shall use at least two percent of the board's  
18 yearly allocation from the commission for quality child care  
19 initiatives. In addition, a board may use money available from  
20 other public or private sources for quality child care initiatives.  
21 A board shall give priority to quality child care initiatives that  
22 benefit child care facilities that are working toward Texas Rising  
23 Star certification or are Texas Rising Star certified providers  
24 working toward a higher certification level.

25       (d) Each board shall annually report to the commission  
26 regarding the board's use of the two percent allocation described  
27 by Subsection (c).

1 SECTION 7. Section 2308.3171, Government Code, is amended  
2 to read as follows:

3 Sec. 2308.3171. INFORMATION ON QUALITY CHILD CARE. (a) In  
4 this section, "quality child-care indicator" means any appropriate  
5 indicator of quality services, including whether the provider of  
6 the services:

7 (1) meets ~~[the]~~ Texas Rising Star Program  
8 certification ~~[Provider]~~ criteria ~~[described by commission rules];~~

9 (2) is accredited by a nationally recognized  
10 accrediting organization approved by the commission;

11 (3) is certified under the school readiness  
12 certification system established under Section 29.161, Education  
13 Code;

14 (4) meets standards developed under Section  
15 29.155(g), Education Code; or

16 (5) has achieved any other measurable target that is  
17 relevant to improving the quality of child care in this state and  
18 that has been approved by the commission.

19 (b) Each board shall provide information on quality  
20 child-care indicators to ~~[for]~~ each licensed or registered  
21 child-care provider in the area. Each board shall determine the  
22 manner in which to provide this information.

23 (c) Each board shall post in a prominent place on the  
24 board's Internet website home page and at any physical location  
25 where the board provides services:

26 (1) a list of local designated vendors that are  
27 child-care providers and have a quality child-care indicator listed

1 in Subsection (a)(1), (2), (3), or (4); and

2 (2) a list of local parenting classes [~~determine the~~  
3 ~~manner in which to provide the information required by this~~  
4 ~~section~~].

5 (d) A child-care provider who receives funding or  
6 reimbursement for child-care services from a board shall post a  
7 certification or accreditation described by Subsection (a) at the  
8 entrance of the provider's facility.

9 SECTION 8. Subchapter G, Chapter 2308, Government Code, is  
10 amended by adding Section 2308.320 to read as follows:

11 Sec. 2308.320. TECHNICAL ASSISTANCE FOR PROVIDERS. Each  
12 board shall provide technical assistance to Texas Rising Star  
13 Program providers and to providers seeking certification under the  
14 Texas Rising Star Program, including providing:

15 (1) a child development specialist to serve as an  
16 evaluator of the provider during the certification process;

17 (2) a mentor or coach to a Texas Rising Star Program  
18 provider to meet regularly with the provider and provide child care  
19 resources to the provider, including developmentally appropriate  
20 books, materials, and equipment;

21 (3) consumer information regarding the selection of  
22 quality child care for parents of children enrolled in the program;  
23 and

24 (4) parenting education information for parents of  
25 children enrolled in the program, including information about  
26 parenting classes that are available in the area or on the Internet.

27 SECTION 9. Subchapter G, Chapter 2308, Government Code, is

1 amended by adding Section 2308.321 to read as follows:

2 Sec. 2308.321. TEXAS RISING STAR PROGRAM REVIEW WORK GROUP.

3 (a) The Texas Rising Star Program review work group is established  
4 to propose revisions to the commission's rules on the Texas Rising  
5 Star Program.

6 (b) The work group consists of the following members  
7 appointed by the executive director of the commission:

8 (1) at least one member from the commission;

9 (2) at least one member from the Department of Family  
10 and Protective Services;

11 (3) at least one member from the Texas Education  
12 Agency;

13 (4) at least one member from the governor's Texas Early  
14 Learning Council who participated on the Quality Rating and  
15 Improvement System subcommittee;

16 (5) at least one member who is appointed to a workforce  
17 development board;

18 (6) at least four members who are Texas Rising Star  
19 Program providers with different Texas Rising Star Program ratings:

20 (A) at least one of whom must be a for-profit  
21 private provider;

22 (B) at least one of whom must be a single-site  
23 provider;

24 (C) at least one of whom must be a multi-site  
25 provider; and

26 (D) at least one of whom must be an individual who  
27 provides child care in the provider's own home;



1           (7) at least one provider who has participated in the  
2 Texas School Ready! project; and

3           (8) at least three members employed by different  
4 boards who work in the employing board's child-care program and  
5 have experience and expertise in early childhood development or the  
6 Texas Rising Star Program or other similar certification or  
7 accreditation programs.

8           (c) The work group shall hold the group's initial meeting  
9 not later than November 1, 2013, and shall meet at other times as  
10 determined by the presiding officer.

11           (d) The work group shall elect a presiding officer by a vote  
12 of the membership of the work group.

13           (e) Not later than May 1, 2014, the work group shall submit  
14 to the executive director of the commission recommendations  
15 proposing revisions to the commission's guidelines relating to the  
16 Texas Rising Star Program. In making its recommendations, the work  
17 group shall consider:

18           (1) professional development standards for child-care  
19 directors and employees, including training and annual  
20 professional development requirements;

21           (2) education and experience requirements for mentors  
22 and evaluators;

23           (3) early learning and school readiness standards;

24           (4) guidelines for infants and toddlers in child care;

25           (5) training hours for providers;

26           (6) playground standards;

27           (7) best practices guidelines based on standards

1 adopted by nationally recognized organizations, including Head  
2 Start Program Performance Standards, National Health and Safety  
3 Performance Standards, National Association of the Education of  
4 Young Children program standards and accreditation criteria,  
5 National Association for Family Child Care standards, United States  
6 Department of Defense standards, national accreditation standards,  
7 and School Ready certification standards;

8 (8) research on infant and toddler brain development;  
9 and

10 (9) strategies for the long-term financing of the  
11 Texas Rising Star Program, including financing the payment of:

12 (A) incentives to child-care providers  
13 participating in the program; and

14 (B) grants and rewards to child-care providers  
15 that achieve and maintain high levels of service.

16 (f) Not later than September 1, 2014, the commission shall  
17 propose rules that incorporate the proposed revisions submitted by  
18 the work group under Subsection (e).

19 (g) The executive director of the commission shall make the  
20 appointments under this section on September 1, 2013.

21 (h) This section expires December 1, 2014.

22 SECTION 10. This Act takes effect September 1, 2013.

David Dewhurst

President of the Senate

Joe Straus  
Speaker of the House

I certify that H.B. No. 376 was passed by the House on May 3, 2013, by the following vote: Yeas 124, Nays 19, 1 present, not voting.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 376 was passed by the Senate on May 17, 2013, by the following vote: Yeas 28, Nays 3.

Patsy Spaw  
Secretary of the Senate

APPROVED: 14 JUNE '13

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10PM O'CLOCK

JUN 14 2013

[Signature]  
Secretary of State